

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARK JAMAL KEARNEY, §
§
Plaintiff, §
VS. § CIVIL ACTION NO. 2:14-CV-39
§
GARY L CURRIE, *et al*, §
§
Defendants. §

ORDER ON MOTION FOR A STAY

Pending is Defendants' motion for entry of a stay in this case in order to give the Texas Department of Criminal Justice (TDCJ) and its Director, William Stephens, an opportunity to revise TDCJ's grooming policies. (D.E. 33).¹ The Court is willing to grant a temporary stay of the proceedings in order to give TDCJ an opportunity to revise its grooming regulations, and further to await the outcome of the *Ali* appeal to the Fifth Circuit Court of Appeals. *See Ali v. Stephens*, No. 9:09-cv-52 (E.D. Tex. Sept. 26, 2014), *appeal docketed*, No. 14-41165 (5th Cir. Oct. 21, 2014).

Any stay will be conditioned upon TDCJ and Director Stephens voluntarily permitting the Plaintiff in this case to wear up to a one-half inch beard while the case is stayed. *Holt v. Hobbs*, 135 S. Ct. 853 (Jan. 20, 2015).

Defendants are ordered to file a statement, within ten days of the date of this Order, indicating whether TDCJ and Director Stephens will voluntarily permit Plaintiff to wear a one-half inch beard while the case is stayed.

¹ Defendants filed their motion before the decision in *Holt v. Hobbs*, 135 S. Ct. 853 (Jan. 20, 2015). However, based on the decision in *Holt*, counsel for Defendants in related cases have uniformly moved for a stay pending the revision of TDCJ's grooming policies. The Court considers that to be the request in the instant case.

ORDERED this 11th day of February, 2015.



NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE